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10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

12 WAYMO LLC,

13 Plaintiff,

14 vs.

15 UBER TECHNOLOGIES, INC.;  
16 OTTOMOTTO LLC; OTTO TRUCKING  
LLC,

17 Defendants.

CASE NO. 3:17-cv-00939-WHA

**PLAINTIFF WAYMO LLC'S  
ADMINISTRATIVE MOTION TO FILE  
UNDER SEAL ITS OPPOSITION TO  
DEFENDANTS' MOTION TO STRIKE  
TRADE SECRET CLAIMS**

Pursuant to Civil L.R. 7-11 and 79-5, Plaintiff Waymo LLC (“Waymo”) respectfully requests to file under seal information in its August 11, 2017 Opposition to Defendants’ Motion to Strike Trade Secret Claims (“Waymo’s Opposition”) and exhibits thereto. Specifically, Waymo requests an order granting leave to file under seal the portions of the documents as listed below:

Document	Portions to Be Filed Under Seal	Designating Party
Portions of Waymo’s Opposition	Portions highlighted in blue	Defendants
	Portions highlighted in green	Waymo
Exhibit 1 to Roberts Declaration	Portions highlighted in green	Waymo
Exhibit 2 to Roberts Declaration	Entire Document	Waymo and Defendants
Exhibit 3 to Roberts Declaration	Entire Document	Waymo and Defendants
Exhibit 4 to Roberts Declaration	Portions highlighted in green	Waymo
	Entire Document	Defendants
Exhibit 5 to Roberts Declaration	Portions highlighted in green	Waymo
	Entire Document	Defendants
Exhibit 6 to Roberts Declaration	Portions highlighted in green	Waymo
	Entire Document	Defendants
Exhibit 7 to Roberts Declaration	Entire Document	Defendants
Exhibit 9 to Roberts Declaration	Portions highlighted in green	Waymo
	Entire Document	Defendants

## **I. LEGAL STANDARD**

Civil Local Rule 79-5 requires that a party seeking sealing “establish[] that the document, or portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under the law” (*i.e.*, is “sealable”). Civil L.R. 79-5(b). The sealing request must also “be narrowly tailored to seek sealing only of sealable material.” *Id.*

## **II. UBER’S CONFIDENTIAL INFORMATION**

Waymo seeks to seal the portions of Waymo’s Waymo’s Opposition and the exhibits thereto as identified in the table above because Defendants have designated the information confidential

1 and/or highly confidential. Declaration of John W. McCauley (“McCauley Dec.”), ¶ 3. Waymo  
 2 expects Defendants to file one or more declarations in accordance with the Local Rules. *Id.*

### 3 **III. THE COURT SHOULD SEAL WAYMO’S CONFIDENTIAL INFORMATION**

4 The Court should seal the portions of Waymo’s Opposition and Exhibit 2 (portions highlighted  
 5 in green) and identified by Waymo in the table above. In addition, to the extent Defendants do not  
 6 seek to seal exhibits 3-7 or 9 in their entirety, Waymo also seeks sealing of some or all of the  
 7 information disclosed in these exhibits. Waymo seeks to file this information under seal because it  
 8 discloses Waymo’s trade secrets and confidential business information. *See* McCauley Dec., ¶ 4.  
 9 Courts have determined that trade secret information merits sealing. *Music Grp. Macao Commercial*  
 10 *Offshore Ltd. v. Foote*, No. 14–cv–03078–JSC, 2015 WL 3993147, at \*1 (N.D. Cal. June 30, 2015)  
 11 (quoting *Kamakana*, 447 F.3d at 1179); *see also Brocade Commc’s Sys., Inc. v. A10 Networks, Inc.*,  
 12 No. C 10-3428 PSG, 2013 WL 211115, at \*1, \*3 (N.D. Cal. Jan. 17, 2013) (granting request to seal  
 13 document that “consists entirely of descriptions of Brocade’s trade secrets.”). Confidential business  
 14 information that, if released, may “harm a litigant’s competitive standing” also merits sealing. *See*  
 15 *Nixon v. Warner Commc’s, Inc.*, 435 U.S. 589, 598-99 (1978). Waymo seeks to seal confidential  
 16 business information and trade secret information that fit squarely within these categories. McCauley  
 17 Dec. ¶ 4. Waymo maintains this information as a trade secret (*see* Dkt. 25-31) and ensures the  
 18 information remains secret with strict secrecy and security protocols (*see* Dkt. 25-47; Dkt. 25-49.). *Id.*  
 19 Waymo has narrowly tailored its requests to only information meriting sealing. *Id.* In fact, both  
 20 *Music Grp.* and *Brocade* found the confidential information at issue in those cases met the heightened  
 21 “compelling reasons” standard for sealing. *Music Grp.*, 2015 WL 3993147, at \*1; *Brocade*, 2013 WL  
 22 211115, at \*1, \*3. The information that Waymo seeks to seal, therefore, also meets this heightened  
 23 standard. The disclosure of Waymo’s trade secret and confidential business information would harm  
 24 Waymo. McCauley Dec. ¶ 4. Moreover, the scope of information that Waymo is seeking to seal is  
 25 consistent with other administrative motions to seal that have already been granted by the Court in this  
 26 case. (*See* Dkt. 681.) Thus, the Court should grant Waymo’s administrative motion to seal.

1 **IV. CONCLUSION**

2 In compliance with Civil Local Rule 79-5(d), redacted and unredacted versions of the  
3 above listed documents accompany this Administrative Motion. For the foregoing reasons,  
4 Waymo respectfully requests that the Court grant Waymo's Administrative Motion.

5  
6 DATED: August 11, 2017

QUINN EMANUEL URQUHART & SULLIVAN,  
LLP

7  
8 By /s/ Charles Verhoeven

Charles Verhoeven

9 Attorneys for WAYMO LLC  
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